

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

IN RE:

SPORT DIVERS, INC.

**CASE NO. 12-32476
(Chapter 7)**

Debtor.

**MOTION OF TRUSTEE FOR AUTHORITY
TO SELL ASSETS BY PRIVATE SALE**

Wayne Sigmon, Trustee, pursuant to 11 U.S.C. §363 and Bankruptcy Rule 6004, respectfully represents:

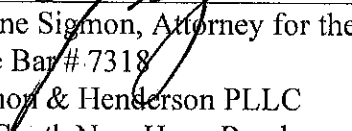
1. Wayne Sigmon is the duly appointed, qualified, and acting Trustee of the Chapter 7 case of the debtor.
2. This bankruptcy estate includes the following described property (hereinafter the "Property"):
 - (a) All new, used, and rental inventory items and equipment on premises
 - (b) All equipment/inventory related displays and signs on premises
 - (c) All tools and repair equipment on premises
 - (d) All Scuba tank fill stations, hoses, HP lines, HP&LP compressors, and storage bottles on premises
 - (e) All Scuba and marine related artifacts (included in cases and displayed on walls) on premises
 - (f) Intellectual property (customer data base, website, phone number)
3. The Property does not include the furniture, retail display fixtures (glass cases and counters); any customer owned equipment left in the repair department; and pool related items (pool heaters, motors, filters).
4. The Trustee has received an offer to sell the Property at a private sale to Mr. Ken Charnock and/or his assigns for a purchase price of \$8,000.00 payable immediately upon court approval of the proposed sale and a final physical inspection of the assets at the location of the debtor prior to consummation of the transaction. The purchaser also requests that an order authorizing sale grant him a 14 day period after payment in which to pack, disassemble, and remove the Property from the premises. The Property will be removed without damage to the premises and the premises will be left in "broom clean" condition. There will be

no trash or debris left as a result of removing the Property.

5. Mr. Ken Charnock, the proposed purchaser, has deposited a \$1,000.00 good faith deposit with Keith Johnson, attorney, which is being held in his attorney trust account. This deposit is refundable if the offer of Mr. Charnock is not accepted and approved by the Court.
6. All of the Property is currently located at the debtor's former business premises which is 2317 South Boulevard, Charlotte, North Carolina.
7. The Trustee believes that the proposed sale is in the best interest of the estate. The Trustee does not anticipate that he will incur any costs or expenses as a result of this private sale.

WHEREFORE, the Trustee respectfully prays the Court that he be authorized to conduct the private sale under the terms and conditions as set forth in the Findings of Fact; and for such other and further relief as is just and proper.

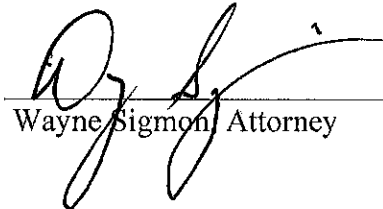
Dated: 1/16/14



Wayne Sigmon, Attorney for the Trustee
State Bar # 7318
Sigmon & Henderson PLLC
518 South New Hope Road
Gastonia, North Carolina 28054
(704) 865-6265

CERTIFICATE OF SERVICE

The undersigned certifies that the pleading or paper to which this Certificate is affixed was served upon the other party(s) to this action by hand delivery or by depositing a copy of same, enclosed in a first-class postpaid wrapper properly addressed to the attorney(s) of record for such other party(s), in a post office or official depository under the exclusive care and custody of the United States Postal Service this the 16 day of Jan, 2014.


Wayne Sigmon, Attorney

VIA ECF:

Linda Simpson
Bankruptcy Administrator

Richard Mitchell
Attorney for the Debtor

Kristin Ogburn
Attorney at Law

Via First Class Mail:

Ken Charnock
427 E Center Ave.
Mooresville, NC 28115

Keith Johnson
Attorney at Law
1275 Highway 16 South
Stanley, NC 28164

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CHARLOTTE DIVISION**

IN RE:

SPORT DIVERS, INC.

**CASE NO. 12-32476
(Chapter 7)**

Debtor.

**NOTICE OF MOTION OF TRUSTEE FOR AUTHORITY
TO SELL ASSETS BY PRIVATE SALE AND NOTICE OF HEARING**

TAKE NOTICE that Wayne Sigmon, Trustee herein has filed a Motion for Authority to Sell Assets by Private Sale. In the Motion, the Trustee states that the bankruptcy estate includes the following described property (hereinafter the "Property"):

- (a) All new, used, and rental inventory items and equipment on premises
- (b) All equipment/inventory related displays and signs on premises
- (c) All tools and repair equipment on premises
- (d) All Scuba tank fill stations, hoses, HP lines, HP&LP compressors, and storage bottles on premises
- (e) All Scuba and marine related artifacts (included in cases and displayed on walls) on premises
- (f) Intellectual property (customer data base, website, phone number)

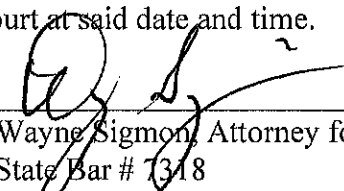
The Property does not include the furniture, retail display fixtures (glass cases and counters); any customer owned equipment left in the repair department; and pool related items (pool heaters, motors, filters).

The Trustee has received an offer to sell the Property at a private sale to Mr. Ken Charnock and/or his assigns for a purchase price of \$8,000.00 payable immediately upon court approval of the proposed sale and a final physical inspection of the assets at the location of the debtor prior to consummation of the transaction. The purchaser also requests that an order authorizing sale grant him a 14 day period after payment in which to pack, disassemble, and remove the Property from the premises. The Property will be removed without damage to the premises and the premises will be left in "broom clean" condition. There will be no trash or debris left as a result of removing the Property. All of the Property is currently located at the debtor's former business premises which is 2317 South Boulevard, Charlotte, North Carolina.

TAKE NOTICE FURTHER that a hearing will be held in the United States Bankruptcy Court for the Western District of North Carolina, Charlotte Division, Charles R. Jonas Federal Building, 401 West Trade Street, Charlotte, North Carolina, on February 13, 2014 at 9:30 o'clock

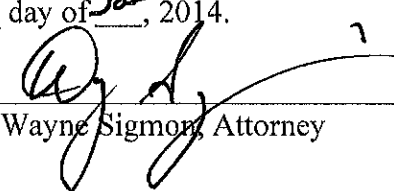
a.m. at which time the court will hear the subject Motion. All interested parties wishing to be heard should be present in the Bankruptcy Court at said date and time.

Dated: 1/16/14


Wayne Sigmon, Attorney for the Trustee
State Bar # 7318
Sigmon & Henderson PLLC
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Gastonia, North Carolina 28054
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Wayne Sigmon, Attorney

TO ALL ON THE MAILING MATRIX AND:

VIA ECF:

Linda Simpson
Bankruptcy Administrator

Richard Mitchell
Attorney for the Debtor

Kristin Ogburn
Attorney at Law

Via First Class Mail:

Ken Charnock
427 E Center Ave.
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